

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 07-20076

VIRGIL SENIOR,

Defendant.

ORDER TO SHOW CAUSE

The matter is before the court on a determination for a possible reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2), which was raised by Defendant's pro se motion filed on February 23, 2012. The court appointed the Federal Defender's Office "to determine eligibility, confer with the Probation Department and the U.S. Attorney's Office, and gather the pertinent information to assist the court in expeditiously resolving any pending or intended 18 U.S.C. § 3582(c) motions." (3/13/12 Order at 1.) The probation department released a memorandum, which was sent to the court with copies to Defendant's attorney and the Government. The memorandum sets forth that Defendant, as a career offender, is ineligible for a sentence reduction. Defendant's attorney informally requested additional time to review and consider the memorandum, in light of cases pending before the United States Supreme Court and in order to allow additional time to order and review Defendant's sentencing transcript. The transcript has since been ordered, but counsel has yet to file any position with respect to this issue. Having reviewed the file, the court is inclined to agree with the probation department that Defendant is ineligible for a sentence reduction, particularly in light of

the Sixth Circuit's recent decision in *United States v. Riley*, — F. 3d —, 2013 WL 4035553 (6th Cir. Aug. 9, 2013). Accordingly,

Defendant is ORDERED TO SHOW CAUSE by **August 27, 2013**, in writing through his court-appointed counsel, why the court should not find Defendant ineligible and thus decline to issue a sentencing modification. If no response is filed by August 27, 2013, the court will deem Defendant ineligible under current law, and decline to grant a sentence modification at this time.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 13, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 13, 2013, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522